

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:06cr7

UNITED STATES OF AMERICA

vs.

THOMAS LAGENE FRANKLIN

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction in sentence. (Doc. No. 34).

The defendant claims that 2003 amendments require alteration of the sentence the Court imposed in 2006. (Doc. No. 34: Motion at 1). The amendments were already in place when the defendant was sentenced; thus, they do not provide a basis to revisit his sentencing under 18 U.S.C. § 3582(c)(2). Additionally, the defendant received a statutory mandatory minimum sentence under 18 U.S.C. § 924(e) which would not be affected by even a subsequently amended guideline. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: October 24, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

